

Allowable Subject Matter

Applicant thanks the Examiner for the indication of allowable subject matter of claims 4 and 5. However, in view of the above claim amendments and the discussion below, it is believed that all pending claims 1-13 are now allowable.

Rejection under 35 USC 103(a)

Claims 1-3 and 6-13 stand rejected under 35 USC 103(a) as being unpatentable over O'Hanlon et al U.S. Patent No. 3,826,106.

In support of the rejection, the Examiner notes that "O'Hanlon discloses storage area (1) with a buffering space (4-5) containing a dehumidification system (7,12,15) which remove the moisture for the air before it enters the storage area". The Examiner concludes that "it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied the teachings of the invention disclosed by O'Hanlon to have provided the buffering means for the purpose of effectively dehumidifying the air."

This rejection is respectfully traversed to the extent deemed to apply to the claims as amended.

By way of review, applicant's invention is directed to a system and method for eliminating dampness in incoming air which flows from the outside atmosphere into an underground or semi-underground storage facility in which a variety of moisture-

A

sensitive materials might be stored and which require relatively constant conditions of temperature and humidity.

More specifically, the claimed invention comprises an underground facility having a dehumidification system comprising an outer wall; an interior wall spaced from the outer wall of the underground facility, the interior wall defining an interior space of the facility; a buffering space formed between the outer wall and the interior wall, wherein the interior wall divides the buffering space from the interior space of the underground facility; and ventilation means which circulates air between the interior space and the buffering space. Applicant's invention is neither suggested nor taught by the cited prior art.

The O'Hanlon et al patent is directed to an apparatus for equalizing the atmospheric pressure inside and outside of a refrigeration chamber (or cold room) due to the fact that warm, moist air which enters a refrigerator becomes colder and loses its moisture, thus resulting in a drop in pressure within the refrigerator. The patentee solves this problem by the use of a tube containing electrically heated moisture collecting means for supplying outside air in a predried state to the inside of the refrigerator.

The invention of the O'Hanlon patent is clearly distinct from applicant's claimed invention. The patentee's invention involves the removal of moisture from atmospheric air which is passed into a refrigerator or cold room.

A

O'Hanlon, while teaching that air may dried before being fed to a cold room, is clearly inapplicable to applicant's claimed invention. O'Hanlon fails to teach an underground facility having outer and interior walls which define a buffering space through which air circulates from an interior space (the room) through the buffering space (where the air is cooled and dehumidified) and then returned to the interior space from the buffering space.

While the Examiner characterizes the box 1 of O'Hanlon as a buffering space, air is not circulated from the interior of the cold room of O'Hanlon through the buffering space to be dried and returned to the cold room. Indeed, box 1 serves only to enclose the insulated tube through which air enters the cold room. The concept of O'Hanlon is thus entirely distinct from that claimed by applicant.

O'Hanlon also fails to render unpatentable applicant's method as defined in claims 12 and 13. The claimed method specifically provides for providing a buffering space through which air is caused to flow from an interior space so that air can be eliminated by condensation and exhausted back into the interior space of the underground facility. O'Hanlon, as discussed above, fails to teach removal of air from an interior space of an underground facility and passing same through an interior space wherein moisture is removed and the dehydrated air returned to the interior space of the underground facility.

In view of the above, the rejection is without basis and should be withdrawn.

A

The application is now believed to be in condition for allowance and an early indication of same is earnestly solicited.

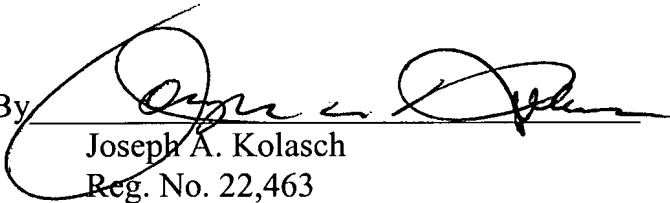
In the event that any outstanding matters remain in this application, Applicants request that the Examiner contact James W. Hellwege (Reg. No. 28,808) at (703) 205-8000 to discuss such matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Joseph A. Kolasch
Reg. No. 22,463

JAK/JWH

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

A